

REMARKS

In the Office Action mailed on February 20, 2003, the Specification was objected to due to informalities; claims 1-10 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness; and claims 1-10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Skinner (U.S. Patent No. 5,377,350) ("Skinner") in view of Banavar et al. (U.S. Patent No. US 6,425,016 B1) ("Banavar"). The foregoing objections and rejections are respectfully traversed.

Claims 1-10 are pending in the subject application, of which claims 1 and 10 are independent claims.

Amendments to the Specification:

The Specification is amended herein to correct various typographical errors, taking the Examiner's comments into consideration and directed to overcoming the objections thereto. The Applicants respectfully request that the Examiner withdraw the objections thereto.

Amendments to the Claims:

Claims 1 and 10 are amended herein to correct informalities and to remove "step-plus-function"-type language. Care has been exercised to avoid the introduction of new matter.

Amendments to the Figures:

Figure 23 is amended herein to label it as "Prior Art."

Objections to the Claims:

Claims 1 and 10 are amended herein. In light of the amendments to claim 1, the Applicants respectfully assert that the objections to claims 2 and 9 are overcome. Further, the Applicants respectfully direct the Examiner's attention to page 11, lines 14-20 and page 14, line 29 to page 19, line 13 of the Specification for an explanation of the objected-to terms in claims 1 and 10. Therefore, the Applicants respectfully request that the Examiner withdraw the objections to claims 1, 2, 9, and 10.

Rejections of the Claims:

Independent Claims:

In the section of Skinner that is cited by the Examiner, Skinner discusses that "Method A (block 54) of an object sends a message to Method B (block 55) of an object" (Skinner, col. 7, lines 15-17). In other words, Skinner discusses that a message is sent directly to a particular Method. Furthermore, it is also apparent from the description of "the instance object specified by Method A" (Skinner, col. 7, lines 23-24) and the description in col. 7, lines 44-51 of Skinner that each Method sends a request to a particular target.

In contrast, the present invention, as recited in claims 1 and 10, is patentably distinguishable from Skinner because, in the claimed invention, a plurality of objects connected to a network are requested to perform task processing by providing a requesting message sending portion to send (or a process for sending) "a requesting message in which a task initiator object requests processing of the task from other objects."

Furthermore, in the claimed invention, each object has a message receiving portion (or a process therefor), a reaction table (or a process for storing the same), an action executing portion (or a process therefor), and a bid awarding portion (or process). In contrast, in Skinner, a messenger 51 obtains an address of Method B based on a message from Method A, and Method B receiving a message does not have a reaction table. In addition, the Examiner states that a bidding portion and a bid awarding portion are described in Skinner. However, neither Skinner nor Banavar discloses or suggests bidding and bid awarding processing.

In addition, MPEP § 2142 states that "[w]hen the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper." The Examiner is required to present actual evidence and make particular findings related to the motivation to combine the teachings of the references. In re Kotzab, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence." Dembiczak, 50 USPQ2d at 1617. "The factual inquiry whether to combine the references must be thorough and searching." In re Lee, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002) (citing McGinley v. Franklin Sports, Inc., 60 USPQ2d 1001, 1008 (Fed. Cir. 2001)). The factual inquiry must be based on objective evidence of

record, and cannot be based on subjective belief and unknown authority. Id. at 1433-34. The Examiner must explain the reasons that one of ordinary skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious. In re Rouffet, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

The Examiner has not presented any evidence why Skinner and Banavar would have been combined. The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. MPEP § 2143.01. Specifically, there must be a suggestion or motivation in the references to make the combination or modification. Id. The Examiner's sole support for such a combination is a portion of the summary of the Banavar invention (Office Action, p. 5, third ¶), which does not suggest a combination with any other invention. The Examiner cannot rely on the benefit of the combination without first supporting the motivation to make the combination. Such motivation does not appear anywhere in either reference, and the Examiner has not presented any actual evidence in support of the same. Instead, the Examiner relies on broad conclusory statements, subjective belief, and unknown authority. Such a basis does not adequately support the combination of references; therefore, the combination is improper and must be withdrawn.

Therefore, claims 1 and 10 of the subject application are patentably distinguishable over the cited references.

Dependent Claims:

Although the Examiner cites to various portions of column 7 of Skinner as discussing the recitations in the dependent claims, Skinner does not disclose or suggest a communication time (claim 2), an empirical value of past processing performance (claim 3), a bidding value (claim 4), etc. Therefore, in addition to being allowable based in part on their dependency, directly or indirectly, from claim 1, dependent claims 2-9 recite patentably distinguishing features of their own.

Withdrawal of the foregoing objections and rejections is respectfully requested.


There being no further objections or rejections, it is submitted that the application is in condition for allowance, which action is courteously requested. Finally, if there are any formal

matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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